

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: December 11, 2019

LISA KNAPP,

*

No. 17-764V

*

Petitioner,

*

Special Master Sanders

v.

*

SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Stipulation for Award; Influenza (“flu”)

*

Vaccine; Guillain-Barre syndrome (“GBS”)

*

Chronic Inflammatory Demyelinating

*

Polyneuropathy (“CIDP”); Quadriplegia;

Respondent.

*

Peripheral Neuropathy; Respiratory Failure

Bruce W. Slane, Law Office of Bruce W. Slane, P.C., White Plains, NY, for Petitioner.

Sarah C. Duncan, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On June 8, 2017, Lisa Knapp (“Petitioner”) filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2012); Pet. at 1, ECF No. 1. Petitioner alleged that the influenza (“flu”) vaccines she received on December 3, 2014, and October 12, 2015, caused her to develop Guillain-Barre syndrome (“GBS”), chronic inflammatory demyelinating polyneuropathy (“CIDP”), quadriplegia, severe peripheral neuropathy, paraplegia, rhabdomyolysis, myopathy, urinary incontinence, and respiratory failure. *See* Stip. at 1, ECF No. 97; Pet. at 1–2. Petitioner further alleged that she experienced the residual effects of her injury for more than six months. Stip. at 1–2.

On December 10, 2019, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. *Id.* at 2. Respondent denied that “the flu vaccine caused Petitioner’s alleged OBS, CIDP, quadriplegia, quadriplegia, severe peripheral neuropathy, paraplegia, rhabdomyolysis, myopathy, urinary incontinence, and respiratory failure were caused-in-fact or significantly aggravated by the flu vaccine.” *Id.* at 2. Respondent further denied that the flu vaccine caused any other injury to the Petitioner. *Id.* Nevertheless, the parties

¹ This decision shall be posted on the website of the United States Court of Federal Claims, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2012)). **This means the Decision will be available to anyone with access to the Internet.** As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b).

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

agreed to the joint stipulation, attached hereto as Appendix A. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that Petitioner shall receive the following compensation:

- a. **A lump sum of \$232,173.12, which amount represents compensation for first year life care expenses (\$67,173.12) and pain and suffering (\$165,000.00), in the form of a check payable to petitioner; and**
- b. **A lump sum of \$7,300.47, which amount represents reimbursement of a Texas Health and Human Services lien for services rendered on behalf of petitioner, in the form of a check payable jointly to petitioner and TMHP-Medicaid, and mailed to:**

**TMHP TPL-Tort Department
Attn: Tort Receivables
P.O. Box 202948
Austin, TX 78720-2948
Client ID: 522896384
TMHP Case No: 999992535197438**

Petitioner agrees to endorse this check to TMHP-Medicaid.

- c. **An amount sufficient to purchase the annuity contract described in paragraph 10 of the stipulation, paid to the life insurance company from which the annuity will be purchased (the "Life Insurance Company").**

These amounts represent compensation for all damages that would be available under 42 U.S.C. §300aa-15(a). *Id.* at 2–3.

I approve the requested amount for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.